

USSN 09/554,533  
Atty Docket No. 238/086US

### REMARKS

Claims 1-50 were pending. New claims 51-54 are added. Support for the new claims is found throughout the specification at, *inter alia*, the original claims. Thus, it is believed that no new matter has been added. Claims 1-50 are withdrawn in view of the election made herewith. Claims 51-54 are pending. No claim is allowed.

### Response to Restriction Requirement Under 35 U.S.C. § 121

In response to the requirement for an election of invention under 35 U.S.C. § 121, Applicants hereby elect the invention of Group II without traverse. In particular, Applicants elect the following peptide for examination:

His Gly Glu Gly Thr Phe Thr Ser Asp Leu Ser Lys Gln Leu Glu Glu  
Glu Ala Val Arg Leu Phe Ile Glu Phe Leu Lys Asn Gly Gly Pro Ser  
Ser Gly Ala Pro Pro Pro [SEQ ID NO:29]

The elected invention reads on claims 51-54.

Applicants note that the requirement for Group II seems to indicate the inclusion of a compound election as well as a single method for examination (as similarly indicated in Group I). Therefore, Applicants provided claims directed to the elected compound as well as a method of treating diabetes mellitus. If Applicants misunderstood the election requirement, Applicants respectfully request clarification from the Examiner.

Applicants respectfully request examination of the elected claims.

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### CONCLUSION

No additional fees are believed due for this submission other than those provided herewith. However, if any additional fee(s) is due, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, to Applicant's Deposit Account No. 010535. Additionally, the Commissioner is hereby authorized to charge payment or credit overpayment of any fees during the pendency of this application to Applicant's Deposit Account No. 010535.

Respectfully submitted,  
AMYLIN PHARMACEUTICALS, INC.

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By: 

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